

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

AMERICAN MODERN PROPERTY AND
CASUALTY INSURANCE COMPANY,

Plaintiff

KEATON LUTHER et al.

Defendants

Case No.: 2:22-cv-00785-APG-VCF

Order Deeming Order to Show Cause Satisfied

Plaintiff American Modern Property and Casualty Insurance Company filed this action in court on the basis of diversity jurisdiction. ECF No. 1. American Modern did not identify citizenship of the limited liability company defendants. *See Johnson v. Columbia Properties* *rangle, LP*, 437 F.3d 894, 899 (9th Cir. 2006) (stating that “an LLC is a citizen of every state of which its owners/members are citizens”). I thus ordered American Modern to show why this action should not be dismissed for lack of subject matter jurisdiction. American Modern responded that it cannot identify the citizenship of all the limited liability company members from publicly available documents, so this case should not be dismissed. ECF No. 5.

In light of American Modern's response, I will not dismiss this case at this time.

However, the burden to prove diversity jurisdiction remains with American Modern. American Modern should conduct jurisdictional discovery early in the case to resolve this issue.

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1 I THEREFORE ORDER that the order to show cause (ECF No. 4) is satisfied, and I will
2 not dismiss for lack of subject matter jurisdiction at this time.

3 DATED this 20th day of May, 2022.



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5 ANDREW P. GORDON
6 UNITED STATES DISTRICT JUDGE
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